

NC SWINE GENERAL PERMIT AND SWINE DIGESTER GENERAL PERMIT BACKGROUND INFORMATION & TALKING POINTS

Until June 5, 2023, North Carolinians have a chance to tell the NC Department of Environmental Quality (DEQ) to update two general permits for the state's industrial animal operations so that they will better protect our health, rivers, and drinking water. DEQ must also address the cumulative and racially discriminatory impacts borne by communities where these operations are concentrated. DEQ is conducting a "stakeholder" process including a public meeting on May 9 and the opportunity to submit comments by phone, email, or mail until June 5.

The background:

- Most of the state's 2,200 industrial hog operations rely on a primitive system to manage hog waste that involves storing untreated urine and feces in unlined pits and spraying the waste on nearby fields. This system, called the lagoon and sprayfield system, causes devastating water and air pollution; nearby families get sick and die at higher rates than people living farther away. These operations disproportionately cause harm to Black, Latino, Native American, and low-wealth rural communities.
- The state's swine "general permit" regulates how animal operations manage billions of gallons of animal waste at industrial animal operations; the general permit allows these operations to use the lagoon and sprayfield system.
- The state's digester "general permit" regulates how animal waste is handled at industrial hog operations that propose to cover some of their hog waste pits to capture certain gasses and make energy, which is often called "biogas," while leaving the rest of the harmful system in place and even increasing some harmful impacts.
- DEQ is in charge of these permits, and it is soliciting stakeholder input before renewing them in 2024 for five more years.

The "stakeholder" process:

- DEQ is currently seeking input from stakeholders about the provisions of the permits that are set to expire in September 2024. DEQ will take public input into account when drafting permits in fall 2023.
- Anyone can participate in the stakeholder process by attending the public meeting:
Tuesday, May 9, 2023, 6 pm
Sampson County Expo Center, Heritage Hall
414 Warsaw Rd, Clinton, NC 28328
- Until June 5, interested stakeholders can comment by calling DEQ directly at (919) 707-9129. You can also submit written comments by email at publiccommentsDWR@ncdenr.gov or by mail at:

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- Later this year, DEQ will announce another comment period and public hearings before these permits are finalized. This presents another opportunity for public input.

The asks:

DEQ has not said what, if any, changes to the existing permits it is considering, but there is still a long way to go before the permits protect our environment and health. We are asking for common-sense protections for North Carolina's people, water, and air. Ultimately, we want DEQ to:

- (1) stop harming North Carolina's most vulnerable communities;
- (2) require better reporting to ensure permit compliance and public transparency;
- (3) impose stricter requirements for monitoring of hog waste impacts; and
- (4) require that safer technology be used to dispose of hog waste

EQUITY

We know that industrial hog operations are located more often near low-income communities of color that bear more than their fair share of the burden of pollution and sickness from the dangerous pollution caused by these and other polluting facilities. Currently, DEQ does not consider the cumulative effects of public health or environmental harms of industrial hog operations on nearby community members. DEQ must take steps to protect everyone, especially the most vulnerable communities. (Section I- Performance Standards)

- DEQ has failed to identify communities that are carrying more than their fair share of the burden of the pollution to water, air and health, or protect communities through these permits which it must do to comply with federal civil rights laws.
- As part of the general permits, DEQ must explain how they will identify the unfairly burdened communities and tell the public how it will protect those communities as part of the permit.

TRANSPARENCY

The public deserves to know where, when, and how much hog waste is created by these facilities, as well as what is in that waste and how it is managed. (Section III- Monitoring & Reporting)

- DEQ should require permittees to submit records documenting how much waste is applied to sprayfields, what crops are in the sprayfields, how many animals are confined at the operation, and the results of required soil and waste sampling in a way that all can access it, online. Permittees already have to collect this information under the existing permit; this recommendation would simply require permittees to submit this information to DEQ electronically with the information available to all interested. Implementing this recommendation would make DEQ's job easier and improve transparency for this industry.

ACCOUNTABILITY

Groundwater Monitoring

In almost half the areas with the highest density of swine operations, [85 percent of neighbors](#) depend on well water. Yet, DEQ requires groundwater monitoring only at a fraction of permitted facilities—i.e., those with lagoons in the 100-year floodplain. This does not go far enough to protect all communities living near hog facilities who may have unsafe drinking water and cannot afford expensive filtration systems or continuing to buy bottled water. DEQ must hold the industry accountable for protecting critical drinking water resources in our communities. (Section III- Monitoring & Reporting)

- DEQ should require groundwater monitoring whenever a facility's waste is stored in the 500-year floodplain, especially with the impacts of climate change on flood vulnerability.

- Groundwater monitoring should also be required whenever DEQ, the public, or the permittee finds evidence of off-site impacts to groundwater and rivers and streams and when a permittee buries dead animals on-site.
- Groundwater monitoring should be required at all facilities covering their lagoons to generate “biogas,” because this practice increases the risk of groundwater pollution, and with the amount of money made from producing energy, some should be used to monitor this increased risk of groundwater pollution and protect drinking water.

Risk of Phosphorus Pollution

Nutrient pollution, including runoff of phosphorus from sprayfields contributes to harmful algal blooms, fish kills, and other pollution problems in rivers and streams. The Phosphorus Loss Assessment Tool (PLAT) evaluates the risk of phosphorus pollution when animal waste is applied to sprayfields.

- The current permit requires a tiny percentage of facilities to use the PLAT tool. DEQ should require all permittees to use this tool and to adjust on-site operations when the risk of phosphorus pollution is unacceptably high. (Section I- Performance Standards)

TECHNOLOGY

The industry uses a cheap and old system to manage the tremendous amount of waste produced from hog operations, even though cleaner and more protective alternatives are available and cost-effective. The lagoon and sprayfield system has failed time and time again to protect public health and natural resources, and should be replaced with cleaner technologies. At a minimum, automated technology-- including rain breakers, flow meters, rain gauges, lagoon level monitors, and equipment designed to reduce discharge potential-- is widely available to the industry to help prevent many pollution problems.

Enforce state laws requiring better pollution control

- For the digester general permit, DEQ should require applicants to use the “practicable waste treatment and disposal alternative with the least adverse impact on the environment” as mandated by state law. (Section I- Performance Standards)
- DEQ must include a provision in the permits that previews for applicants that it will impose additional requirements on permittees whose operations will create more pollution and violate water quality standards. (Section I- Performance Standards)

Respond to operator noncompliance by requiring automated technology

- DEQ should require technology that ensures permittees comply with the terms of the permit. DEQ should make clear when it will require the installation of such technology and should always require automated technology when the permittee violates the operating conditions of the General Permit to prevent more human error and protect neighbors. (Section II-Operation and Maintenance)